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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,851	11/04/2003	Hideo Yamagata	017446-0337	5782

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EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/699,851

Applicant(s)

YAMAGATA, HIDEO

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/03, 4/04, 6/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-14 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,5, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii Nobuyuki (Japanese publication number 2001177624, hereinafter "Fujii") in view of Bern et al US Patent Number (6898422), hereinafter "Bern".

As per claims 1,5, and 9-11, Fujii teaches a backup system which backs up memory information in a cell phone to a terminal by transmitting/receiving electronic mail (Abstract, fig.1), wherein said terminal comprises instruction mail creating means for creating, as backup instruction mail, electronic mail having

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information for instructing to perform backup stored **in a header** portion (mail directory is transmitted for backup via email see abstract), and backup means for analyzing the header portion of the received electronic mail, and when detecting that the mail is backup response mail from said cell phone, decoding a text of the received backup response mail and backing up the text, and said cell phone comprises response mail creating means for analyzing the header portion of the received electronic mail, creating, as backup response mail, electronic mail having a text in which the memory information in said cell phone is coded and written, when detecting that the mail is backup instruction mail from said terminal, and transmitting the mail to said terminal (Fujii shows the invention of creating, converting phone directory and transmitting for a backup via email and fetching the backed up directory and updating (restoring) in the cell phone (terminal 1, fig. 1).

Although Fujii shows substantial features of the claimed invention including backup operation being performed via email message, however he does not explicitly show backup instructions being in the header portion of the email.

Nonetheless, email message to include a header portion and a body portion is well known in the art and would have been an

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obvious modification of the system disclosed by Fujii to include instructions in the header portion, as evidenced by Bern USPN.

(6898422)

In analogous art, Bern whose invention is about a system for providing mobile service, disclose a mobile station 110 receiving a SMS message that includes a notification message in the header portion of the email [Col. 2, lines 6-37]. Giving the teaching of Bern, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Fujii by employing the system of Bern so to include specified instruction in the email header to enable a mobile subscriber to perform such specified instruction automatically.

As per claims 3 and 7 and 13, Fujii in view of Bern teach the invention wherein the header portion of the backup instruction mail contains authentication information for a terminal-side user which is personal identification information obtained as a result of computing specific header information according to a predetermined algorithm, and said cell phone performs personal identification for the user from specific header information and a computation result based on the predetermined algorithm when receiving backup instruction mail (users such Backup operators

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who are authorized to perform backup operations. Bern shows mechanism of recognizing and decoding SMS text portion with specific syntax driving header information as shown in col. 7, lines 25-60).

As per claim 4, Fujii in view of Bern teach the wherein said terminal includes a backup schedule table, and said instruction mail creating means automatically creates backup instruction mail in accordance with said backup schedule table and transmits the mail to said cell phone (One ordinary skill in the art at the time of the invention would have a backup schedule time table for the advantage of backing up updated files since the last backup. This enables to have a less information to restore since the most recent backup data.

Claims 2,6,8,12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii Nobuyuki (Japanese publication number 2001177624, hereinafter "Fujii") in view of Bern et al US Patent Number (6898422), hereinafter "Bern".

As per claim 2,6,8,12 and 14, although Fujii and Bern show substantial features of the claimed invention as explained above, they do not explicitly show notifying a notification

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destination associated with an owner of a corresponding cell phone of information associated with backup processing upon completion of backup.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Fujii. A person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Fujii and Bern to including their notification message a backup/restore completion message regarding the successful completion of data backup/restore operation.

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned

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are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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ABDULAHISALAD
PRIMARY EXAMINER